

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PLUMBERS AND PIPEFITTERS LOCAL UNION :
NO. 719 PENSION TRUST FUND, :
on Behalf of Itself and All Others Similarly Situated, :

Plaintiff,

vs.

CONSECO INC., WILLIAM KIRSCH, EUGENE :
BULLIS, MICHAEL DUBES, JAMES HOHMANN, :
JIM PRIEUR, EDWARD BONACH, and JOHN :
WELLS, :

Defendants.

09 Civ. 6966 (JGK)

NOTICE OF MOTION

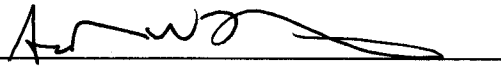
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PLEASE TAKE NOTICE that, upon the accompanying declaration of Andrew W. Stern, dated August 2, 2010, and the exhibits attached thereto, the accompanying memorandum of law in support of this motion, and any other submissions that shall be made in support of this motion, the undersigned counsel, on behalf of Defendants Consecro Inc., William Kirsch, Eugene Bullis, Michael Dubes, James Hohmann, Jim Prieur, Edward Bonach, and John Wells, will move this Court, before the Honorable John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, to dismiss the Corrected Second Amended Complaint, in its entirety and with prejudice, pursuant to the Private Securities Litigation Reform Act and Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Scheduling Stipulation and Order No. 4, Plaintiff shall serve opposition papers to Defendants' motion on or before October 1, 2010. Defendants shall serve reply papers on or before November 1, 2010.

Dated: New York, New York
August 2, 2010

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By: 

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– and –

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Tom A. Paskowitz, hereby certify that on the 2nd day of August 2010, I caused the foregoing (i) Notice of Motion, (ii) Memorandum of Law in Support of the Defendants' Motion to Dismiss the Corrected Second Amended Complaint, and (iii) Declaration of Andrew W. Stern with exhibits annexed thereto to be filed and served via the Court's ECF system.



Tom A. Paskowitz